

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

M.F., BY NEXT FRIEND AND  
DAUGHTER, JANE BRANSON,

Plaintiff

v.

C-1-11-807

JAMES D. MALOTT, *et al.*,

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 30), the objections (doc. no. 33), defendants' responses thereto (doc. nos. 35, 36, 37, 38 and 39) and Jane Branson's reply (doc. no. 42). The Magistrate Judge concluded that 1) Jane Branson lacks standing to pursue this action on her own behalf as the Complaint alleges no claims or damages personal to her 2) Branson has no standing to bring this action on behalf of M.F., the Complaint should be dismissed; and 3) appointment of a guardian *ad litem* in this proceeding would serve no useful purpose because it appears that no guardian *ad litem* could save the Complaint from dismissal.

The Magistrate Judge therefore recommended that the Motions to Appoint A Guardian *Ad Litem* (doc. nos. 2 and 5) be denied; Defendant Greer's Motion to Dismiss (doc. no. 20), defendant Malott's Motion to Dismiss (doc. no. 22) and defendant Wagoner's Motion to Dismiss (doc. no. 23) be granted; defendants State of Ohio and Governor Kasich's Motion to Dismiss (doc. no. 25) be granted and Branson's Motion for Extension of Time (doc. no. 27) be denied as moot.

Plaintiff objects to the Judge's Report and Recommendation on the grounds that her findings are contrary to law.

### **CONCLUSION**

Upon a *de novo* review of the record, especially in light of the objections, the Court finds that the objections have either been adequately addressed and properly disposed of by the Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Magistrate Judge.

Accordingly, the Court hereby ADOPTS AND INCORPORATES BY REFERENCE HEREIN the Report and Recommendation of the United States Magistrate Judge (doc. no. 30). Branson's Motions to Appoint A Guardian *Ad Litem* (doc. nos. 2 and 5) are DENIED; Defendant Greer's Motion to Dismiss (doc. no. 20), defendant Malott's Motion to Dismiss (doc. no. 22) and defendant Wagoner's Motion to Dismiss (doc. no. 23) are GRANTED; defendants State of

**Ohio and Governor Kasich's Motions to Dismiss (doc. no. 25) are GRANTED and Branson's Motions for Extension of Time (doc. no. 27) and to Join (doc. no.34) are DENIED as MOOT.**

**This case is DISMISSED AND TERMINATED on the docket of this Court.**

**IT IS SO ORDERED.**

**s/Herman J. Weber**  
**Herman J. Weber, Senior Judge**  
**United States District Court**